

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LARRY C. SMART,	:	CIVIL ACTION
	:	
Plaintiff,	:	NO. 10-1096
v.	:	
	:	
CITY OF PHILADELPHIA, et al.,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 23rd day of May, 2013, upon consideration of Defendants' Motion for Partial Summary Judgment ("Motion") (Dkt. No. 28), and the responses thereto (Dkt. Nos. 31 & 33), it is hereby ORDERED as follows:

1. Said Motion is GRANTED as to Count I;
2. Said Motion is GRANTED as to Counts II and III, except for: Plaintiff's Fourth Amendment Due Process claims against Officers Mroz and Miller for unlawful detention and excessive force and Plaintiff's Fourth Amendment claims against Lieutenant Harner, Captain Trush, and Commissioner Ramsey for unlawful detention; and
3. Said Motion is DENIED as to Count IV.

BY THE COURT:

/s/ C. Darnell Jones, II

C. DARNELL JONES, II, J.